

APPEAL NO. 031906  
FILED SEPTEMBER 3, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 18, 2003. The hearing officer determined that: (1) the appellant (claimant) did not sustain a compensable injury in the form of an occupational disease; (2) the date of injury was \_\_\_\_\_; (3) the respondent (carrier) is relieved from liability under Section 409.002 because the claimant failed to timely notify his employer of an injury, without good cause, in accordance with Section 409.001; and (4) the claimant did not have disability. The claimant appeals these determinations on sufficiency of the evidence grounds. The carrier urges affirmance.

DECISION

Affirmed as reformed.

The hearing officer did not err in making the complained-of determinations. The determinations involved questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Because the claimant did not sustain a compensable injury, the hearing officer properly concluded that the claimant did not have disability. Section 401.011(16).

The claimant asserts that the hearing officer determined an incorrect date of injury and date of notice in the applicable conclusions of law. We note that the hearing officer found a date of injury of \_\_\_\_\_, and date of notice of December 16, 2002. The corresponding conclusions of law, however, provide a date of injury of August 26, 1999, and a date of notice of March 16, 2000. We view these errors as mere clerical errors, which do not warrant reversal of the appealed issues. Accordingly, we reform the hearing officer's decision to reflect a date of injury and a date of notice consistent with the hearing officer's findings of fact.

The decision and order of the hearing officer is affirmed as reformed.

The true corporate name of the insurance carrier is **UNION STANDARD INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**WILLIAM CLARK THORNTON  
122 WEST CARPENTER FREEWAY, SUITE 350  
IRVING, TEXAS 75039-2008.**

---

Edward Vilano  
Appeals Judge

CONCUR:

---

Elaine M. Chaney  
Appeals Judge

---

Robert W. Potts  
Appeals Judge